

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

Alexandria Division

_____)	
NATIONAL STABILIZATION AGREEMENT)	
OF THE SHEET METAL INDUSTRY)	
TRUST FUND, <u>et al.</u> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action 04-1223
)	
)	
MID-STATE MECHANICAL II, INC.,)	
)	
Defendant.)	
_____)	

ORDER

This matter comes before the Court on the Report and Recommendation of the Magistrate Judge. Based upon a de novo review of the evidence in this case, the Court adopts the Magistrate Judge's findings and recommendations, and it is hereby

ORDERED that default judgment be entered against Defendant, in favor of Plaintiffs, Board of Trustees, Sheet Metal Workers' National Pension Fund, et al., in the amount of \$39,352.49 and that Defendant shall file all required remittance reports for all periods for which Defendant is obligated to do so, permit an audit of wage, payroll, and personnel records for all periods which Defendant is so obligated to contribute to the Funds, and pay all contributions, interest, and liquidated damages discovered in such audit and the costs of such audit. Further,

Defendant shall pay Plaintiffs' reasonable attorneys' fees and costs associated with this action and Plaintiff is entitled to leave to apply for a post-judgment award of any additional costs and attorneys' fees incurred in the execution of any judgment awarded. Finally, Defendant is ordered to pay Plaintiffs additional interest at a rate of twelve percent (12%) per year, in accordance with the Funds' governing documents, on the amount of any delinquent monthly contributions awarded in this action or hereafter due, from the date the contribution was due through the date payment is finally made, and also to pay additional liquidated damages equal to twenty percent (20%) of the amount of any additional delinquent contributions due for the period covered by the Complaint.

/s/

CLAUDE M. HILTON
UNITED STATES DISTRICT JUDGE

Alexandria, Virginia
April 20, 2005